

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA
Plaintiff

vs.

ALEYSHA BATISTA-VELEZ
Defendant

CRIMINAL NO.: 21-274 (ADC)

**OPPOSITION TO MOTION NOTIFYING VIOLATIONS OF BAIL AND
MOTION REQUESTING ORDER**

TO THE HONORABLE COURT:

The Defendant, Aleysha Batista-Velez, represented by the Federal Public Defender through the undersigned attorney, hereby states and prays as follows:

On August 23, 2021, the USPO notified a motion notifying bail violations. D.N. 36. Ms. Batista opposes the USPO's motion and moves for an Order from the Court dismissing the motion in D.N. 36. There exists no factual nor legal basis for a bail violation.

The facts are clear: Ms. Batista was arrested on July 30, 2021 and was detained until her release on August 5, 2021. She reported to the USPO's office the next day – August 6 – at 9:00am, whereupon a urinalysis was administered. The USPO makes no claim, and presents no evidence, that Ms. Batista consumed marijuana in the few hours between her release from prison and her reporting to the USPO's office. Nor is there any evidence that Ms. Batista consumed drugs while in detention. In fact, the only factual basis presented by the USPO to substantiate Ms. Batista's drug use is her own admission that she consumed marijuana before her arrest in the instant case.

It is common knowledge that marijuana lingers in the body's system for weeks. Therefore, Ms. Batista's drug positive can be reasonably attributed to conduct occurring *prior* to her release on bond on August 5, 2021. [Emphasis added]. Certainly, a urinalysis during Ms. Batista's initial arrest would have confirmed her drug use during here arrest. However, to no fault of her own, a urinalysis was not conducted.

Based on these set of facts, no bail violation has occurred. Therefore, the defense requests an Order from the Court ordering the dismissal of the motion notifying bail violations.

WHEREFORE, the undersigned counsel respectfully requests the Court to take notice of this motion and grant the relief sought.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the parties of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on August 25, 2021.

ERIC VOS
FEDERAL PUBLIC DEFENDER

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